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Prologue

Nellie Madison, 1895–1953

Mountain View Cemetery sits at the junction of two busy highways on the edge of San Bernardino, a city of about two hundred thousand that lies seventy miles east of Los Angeles. In this peaceful place, the hum of quiet conversations and nearby traffic, lulling sounds of sprinklers, and fragrance of fresh-cut flowers are the only tangible reminders of lives still unfolding beyond the rows of graves that stretch toward the horizon on sixty-four acres of clipped, emerald green lawn.

Looking north from the cemetery on a clear day, visitors can see the San Bernardino Mountains. But there are not many clear days in this part of Southern California. For much of the year ocean breezes flow through the Los Angeles basin to the east, carrying exhaust from millions of cars traveling the region's vast network of freeways. The winds blow from Malibu and Santa Monica through Hollywood, Los Angeles, Burbank, Pasadena, and the San Gabriel Valley until they finally reach San Bernardino. There they bump up against the mountains and spread their murky wings across the city, giving the air a brownish-gray hue and bringing an acrid smell and lung-constricting heaviness that makes it hard to take a deep breath, particularly during the hot summer months.

More than seventy thousand people have been buried at Mountain View since its beginnings in 1907, when San Bernardino was

little more than a whistle stop on the Santa Fe Railroad. Scant public notice accompanied the passing of most of the dead: a few brief lines in a local newspaper, an item in a church or club bulletin. But scattered here and there are a few who gained prominence, fame, or notoriety during their lives.

James Earp, the brother of lawman and gunfighter Wyatt Earp, is here, as are his sister Adelia Edwards and Alvira Earp, the wife of another brother, Virgil. The parents of the Earp brothers settled in Colton, near San Bernardino in the 1860s, in search of gold, and all of the brothers spent part of their lives in the region.

Grant Holcomb is buried here. He was an actor from a local family, best-known for appearing on *You Are There*, a 1950s television program hosted by Walter Cronkite that reenacted historical events such as the Salem witchcraft trials of the 1690s, the Gettysburg Address, and the crash of the Hindenburg dirigible in the 1930s. Other notables include Randy Rhoads—the original guitarist for heavy metal musician Ozzy Osbourne—who died in a plane crash in 1982, and Swede Savage, a race car driver who led the Indianapolis 500 in May 1973 before he smashed into a wall, suffered extensive injuries, and died a month later.

Nellie Wagner is also buried here, though it is safe to say that virtually no one walking past her grave on Lawn K, tucked behind the administration building, has ever heard of her. No one lingers at the grave, or leaves flowers there, for Nellie had no family to speak of at the time of her death, except for her husband John. He is buried in the same plot with her, their two names carved on a single gravestone, separated by a delicately etched granite rose.

In July 1953, when she died of a stroke at the age of fifty-eight, the local newspaper, the *San Bernardino Evening Telegram*, carried a brief, paid obituary provided by Stephens and Bobbitt Mortuary. It stated that Nellie Wagner had lived in San Bernardino for ten years and in California for more than thirty years. She had worshipped at St. Bernardine's Catholic Church, the site of her funeral

Mass on July 11, 1953. Under survivors, the paper listed three: her husband, a brother Dan, misnamed as Ben, and a sister Lizzie. Both of her siblings lived in Dillon, Montana, but Nellie had not seen either of them for twenty years.

Scanning her obituary the morning of July 9, a day that temperatures were expected to top one hundred degrees with afternoon thunderstorms in the mountains, newspaper readers, if they thought about her at all, might have envisioned Nellie Wagner as an ordinary woman, a middle-aged housewife, devout and pleasantly traditional. Possibly she had gardened, taking pride in her roses, which she pruned wearing sturdy cotton gloves, the shirt-waist dresses then in fashion, and a drooping straw hat to keep the sun off her face. On Sundays she probably walked or drove the several blocks from her small frame house on Sixth Street to St. Bernardine's. Wearing a scarf to cover her hair, she had knelt, prayed, and offered confession.

The obituary writer and *Evening Telegram* readers could never have guessed how vastly different Nellie Wagner's life had been from that traditional housewife, though she was in fact an avid gardener and a devout Catholic. Perhaps even her husband of nine years did not know her past or that in 1935 she had come within a hair's breadth of being the first woman executed by the state of California. Nellie was an intensely private woman and this was one secret she would have wanted to keep.

By the time she died she had been long forgotten by the headline writers who had referred to her in screaming forty-eight-point type as "The Enigma Woman" and "The Sphinx Woman" and by most of the reporters covering the sensational story of the mysterious dark-eyed beauty who pumped five bullets into another husband as he lay in bed in the couple's Burbank apartment just before midnight on March 24, 1934.

The ironic aspects of the story helped build its potential for newspaper street sales. The brother of the woman then named

Nellie Madison had been a Montana sheriff. The murder of Eric Madison unfolded just over the fence from the back lot of Warner Brothers First National Studio as actors shot machine guns and a film crew labored to wrap up a gangster movie titled *Midnight Alibi*. Some residents of Nellie's building believed the shots came from the set.

Only one reporter, Agness Underwood, took the time to get to know Nellie. All of the others saw her as an archetype: the one-dimensional and deadly femme fatale prevalent in pulp magazines and in dozens of novels in the Depression-era literary genre called "noir fiction." To journalists covering the case, she might have resembled Brigid O'Shaunessy, the red-haired seductress at the heart of Dashiell Hammett's *The Maltese Falcon*; Carmen Sternwood, the amoral, childish killer in Raymond Chandler's *The Big Sleep*; or Cora Smith Papadakis, the cunning and murderous wife in James M. Cain's *The Postman Always Rings Twice*. Set in Los Angeles, *Postman* was published at about the time of Nellie's arrest and trial.

To be fair, Nellie's previous life seemed to make her an ideal candidate for the popular stereotype. She was strikingly attractive and had made many choices that challenged deeply engrained cultural ideas about women prevalent in the first half of the twentieth century. Married several times and childless, she disdained domesticity and took pride in her professional accomplishments. She was restless and disliked staying in one place for too long. She chain-smoked cigarettes and drank her scotch whiskey neat. More comfortable with men than with women, she spent weekends riding and hunting in the mountains north of Los Angeles.

Most of the newspaper readers, numbering in the hundreds of thousands, who eagerly awaited each day's installment of the Nellie Madison story, probably had forgotten her by 1953 as well. There had been so many other sensational murders in Los Angeles. The gruesome and lurid Black Dahlia killing, yet unsolved, was still

fresh in the minds of many Southern California residents. And the intervening years had seen World War II, the Korean War, and the beginning of the Cold War.

The lawyers who conducted Nellie's two-week trial in June 1934 and the eight men and four women who convicted her of first-degree murder and sentenced her to hang undoubtedly would have remembered her. But many of them had died by 1953, including her attorney, Joseph Ryan, who concocted a preposterous and ultimately devastating defense. Ryan was felled by a heart attack in a downtown Los Angeles parking lot in December 1951.

Nellie Wagner did not mind the anonymity and obscurity that accompanied the end of her life. Her brush with "celebrity" had been an intensely painful experience, costing her "everything I hold dear," as she wrote in one letter from prison. Her family, emotionally and financially devastated by the murder and its aftermath, disowned her and she could never go home again. Longtime friends abandoned her. Her trial and prison experience left her embittered and wary, the antithesis of the young woman who began life brimming over with confidence, a sense of possibility, and longing for adventure.

It was a warm winter day when I sat near Nellie Wagner's grave. The afternoon temperature was expected to reach ninety and an unseasonable Santa Ana wind blew the smog toward the ocean. The skies were cobalt blue and the mountains seemed close enough to touch, unlike the woman who lies forever silent beneath the small gravestone.

My journey to Mountain View Cemetery had spanned two years and nearly two thousand miles as I hunted for clues to her life. I searched as a historian examining her life for what it might tell me about the intersection between one exceedingly contradictory woman and larger social and cultural forces: the frontier as geography and place for personal reinvention; the rise of mass popular culture and its impact on individual lives; Los Angeles as myth and

reality; criminal prosecution as a force for social control during the Depression. Though her case occurred at a time when the private lives of regular people were not fodder for public consumption, it also presaged important issues that still resonate through society and the criminal justice system, including the media's ability to elevate and destroy individuals, and intimate abuse as a defense for murder.

As a former journalist with an insatiable curiosity about human nature, I also hoped my search would unearth answers to several intriguing questions. What drove Nellie to make life choices so different from those of her female contemporaries, ones that brought her, and her family, such pain and tragedy? What was it about her that led the legal establishment of Los Angeles County to choose her out of a line-up of female murderers—some much more cunning and ruthless—to receive the state's "ultimate penalty"? What did their treatment of her say about society's views of women who failed to conform to deeply entrenched ideas about women's roles? Once I started on my quest, I could not stop.

The journey took me to southwestern Montana, where Nellie was born and grew up. I climbed to the top of a small mountain and looked out over golden fields and fertile river-bottom land that once belonged to her Irish immigrant family. It took me to Boise, Idaho, where she fled as a young woman; to Los Angeles, where, like millions of others, she went in search of a dream; and to the working-class San Bernardino neighborhood where she settled after her release from prison and where she hoped to find a quiet place to restore her soul.

One icy December morning I waded through knee-deep snow to a small vacant cabin near Frazier Park, a mountain community eighty miles north of Los Angeles, at the top of the Grapevine that links Southern California to the farmlands of the San Joaquin Valley. At the back of a numbingly cold bedroom stood a tiny closet painted turquoise. A gun rack, stacked with rifles, leaned against

one closet wall. It was there that police discovered Nellie two days after the murder, hiding under a pile of coats.

On a windy day in January I traveled to the arid valley that once held the Women's Institution at Tehachapi, the prison that housed all of California's female felons in the 1930s and 1940s. As the state's only female death-row inmate, Nellie spent fourteen months there in solitary confinement, in a specially built cell. After her reprieve she spent seven more years at the prison.

I could find few traces of Nellie in any of the places I visited. Other people now own her family's ranch, which was carved up and sold in the 1930s and 1940s; part of the money went to pay her legal bills. Nearly all of the buildings where Nellie lived as an adult have been bulldozed and new structures erected in their places. In Boise the business college where she studied is gone, as is the theater where she worked as a ticket-taker and the hotel where she lived following a divorce. The brick building where Nellie and one husband shared an upstairs apartment still stands, as does a two-story wood-frame house where she boarded in her student days, though it has been significantly remodeled.

In Southern California, run-down, graffiti-covered apartments with barred windows sit on the spot where her Spanish-style house once stood near downtown Los Angeles. An upscale complex containing businesses and restaurants has replaced the Sterling Arms Hotel and Apartments in Burbank that was the site of Eric Madison's murder. Construction workers building a freeway razed the neighborhood in San Bernardino where she spent the last nine years of her life.

Even the cell where Nellie waited in solitary confinement to hear whether she would live or die has been turned into a secretarial office with hanging plants and computers whose screen savers feature sunrises, mountain scenery, and laughing children. A prison spokesman pored over blueprints but could not be certain of the exact location of the dormitory-style room where Nel-

lie counted out the days and years of her sentence as she lobbied relentlessly for parole. An earthquake leveled Tehachapi the year before Nellie's death and many records were buried beneath the rubble. Women inmates were relocated elsewhere and the prison now serves as a medium-security men's facility.

The only tangible evidence of Nellie Wagner's life exists in official sources: rolls of microfiche containing news coverage of the murder, arrest, and trial; dusty folders containing the transcripts of *People of the State of California v. Nellie May Madison*; cardboard files bulging with letters and petitions from groups and individuals hoping to halt her pending execution and save her life; prison reports; an explosive fifteen-page confession, replete with allegations of lies, abuse, and sexual infidelity.

These sources are important for what they illustrate about their time and place. The sensational news stories demonstrate how the media treated women who could not be crammed into comfortable categories. Nellie was not a housewife or a mother. Instead she was "a much-married woman," "good with the ponies and the pistols," an "iron widow." The official documents tell much the same story. They depict politicians and lawyers repulsed by her lifestyle and worried sick about potential disaster if such an unconventional woman managed to "get away" with murder, no matter what her motive. What kind of example could she provide for other women?

The news accounts and the documents offer only a few hints of the complex person who lived between their lines: a reserved, controlled woman with an impulsive streak that led her into dangerous waters, one who chose her words as though she were picking her way through a minefield and yet was willing to gamble with her life, a woman who prized her abilities and autonomy and yet threw them away each time a new man appeared on the horizon.

The reporters who covered her long-ago trial got one thing right—she was a mystery. She believed in the face of overwhelm-

ing evidence to the contrary that she could live by her own rules without heeding the conventions of her time. Despite the odds, she just might have pulled it off, had it not been for a cool, partly cloudy, early spring night in 1934. In the moments just before midnight she made a choice that sent her reeling down a far different path, one that placed her squarely in the crosshairs of the political and judicial establishment of Los Angeles. Stripped of her identity, she became a caricature rather than a human being. The real story is somewhat different, though no less dramatic, than the media-generated version of the coolly calculating Nellie Madison, “Enigma Woman.”